IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO.100 OF 2007

Mrs.Nilambari Narendra Bhosale : Petitioner

V/s.

Shri Narendra Baburao Bhosale & Anr. : Respondents

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Mr.Suresh M. Sabrad for the petitioner.

Mr.Rajesh Kachare for respondent no.1.

Mr.A.R.Patil, Asstt. Govt. Pleader for respondent no.2.

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CORAM : S.A.BOBDE, J.

DATE : AUGUST 13, 2007.

P.C.

1. The petitioner alleges breach of orders dated 29.12.2006 directing the respondent no.1 to pay Rs.3,000/- per month from the date of the application till the disposal of the petition. The petitioner also alleges breach of another order of the same date in respect of the daughter.

2. The learned counsel for the respondent no.1 has pointed compliance of the orders directing payment vide exhibits ‘A’, ‘B’ & ‘C’ to the reply. However, the learned counsel for the petitioner states that the some

amount is not paid for a period commencing from 1998.

3. Assuming that some amount remains unpaid, which is denied by the learned counsel for the respondent no.1, the alleged breach cannot be the subject-matter of a petition alleging breach of the order dated 29.12.2006 because that order makes the amount payable from the date of the application i.e. 18.5.2005, and not prior thereto. There is, therefore, no merit in the petition. The petitioner shall be entitled to apply to an appropriate Court for establishing any arrears of maintenance that may be due otherwise.

4. The Contempt Petition is dismissed. Notice is discharged.

S.A. BOBDE, J.